

## DEPARTMENT OF VETERANS AFFAIRS

### Justification and Approval

For

### Other Than Full and Open Competition

1. **Contracting Activity:** This Justification for Other Than Full and Open Competition is prepared by the Department of Veterans Affairs Network Contracting Office 6 (NCO 6) on behalf of the Veterans Affairs Medical Center in Richmond, VA in support of Purchase Request No. 652-16-1-157-0065.
2. **Nature and/or Description of the Action Being Processed:** This procurement is for an annual service agreement for endoscopes manufactured by Olympus America, Inc., in accordance with FAR 13.5 Simplified Procedures for Certain Commercial Items and specifically FAR 13.501 Special Documentation Requirements, where acquisitions conducted under Simplified Acquisition Procedures are exempt from the requirements of FAR Part 6, but still require a justification using the format of FAR 6.303-2. This justification provides the rationale for contracting by other than full and open competition for annual service agreement of endoscopes. A firm fixed priced purchase order will be awarded on a sole source basis to Olympus America, Inc. (DUNS: 017019618).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The proposed sole source award is for a full service, fixed-rate annual service agreement to maintain Olympus America brand endoscopes currently used at the Richmond VA Medical Center. The service includes 100% coverage of repairs and maintenance through a depot service program, including replacement equipment, at no additional cost.
4. **Statutory Authority Permitting Other than Full and Open Competition:** The authority for applying the Commercial Test Program of FAR 13.5 is (Section 4202 of the Clinger-Cohen Act of 1996) and is implemented by for restricting competition on this procurement via FAR 13.106-1(b)(2).  
  

(X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;  
( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;  
( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;  
( ) (4) International Agreement per FAR 6.302-4  
( ) (5) Authorized or Required by Statute FAR 6.302-5;  
( ) (6) National Security per FAR 6.302-6;  
( ) (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** The proposed sole source contract is for a full service maintenance agreement for equipment in inventory. The manufacturer does not sell repair parts or provide training to third party service companies. Additionally, third party service companies are not subject to audit and inspection by the FDA. The Veterans Health Administration (VHA) procurement manual prohibits the use of third party service companies when outside of the authorized distribution channels of the manufacturer. Olympus America, Inc. (DUNS: 017019618) is the only responsible offeror with regard to this procurement.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Information provided by the manufacturer and the requiring office, as well as regulations in the procurement manual were reviewed to determine whether other sources are available for this procurement.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Market Research was conducted to verify that the unit prices being paid are fair and reasonable when compared to prices paid for the same of similar services on other contracts.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted by reviewing manufacturer documents, customer provided materials and review of the VA procurement manual.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** There are no other considerations other than those already stated.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** None.
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** For future requirements and subsequent acquisitions of this type, in order to overcome any barriers to competition, market research will be used as a guide to determine whether or not the market for competition exists. The appropriate procurement strategy will then be determined and followed.

**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

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[Redacted]  
Chief Biomedical Engineer  
McGuire VAMC (Richmond VAMC)

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Date

**13. Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

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[Redacted]  
Contracting Officer, Supply Team 1  
NCO 6

\_\_\_\_\_  
Date

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[Redacted]  
Quality Assurance  
NCO 6

\_\_\_\_\_  
Date

- b. **Director of Contracting /Designee (Required \$150K and above):** I certify the justification meets requirements for other than full and open competition.

\_\_\_\_\_  
[Redacted] (Designee)  
Director of Contracting or Designee  
NCO 6

\_\_\_\_\_  
Date